

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-00946-ABJ**

CORNUCOPIA INSTITUTE v. AGRICULTURAL
MARKETING SERVICE

Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/2016

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

CORNUCOPIA INSTITUTE

represented by **C. Peter Sorenson**
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V.

Defendant

**AGRICULTURAL MARKETING
SERVICE**

represented by **Patricia K. McBride**
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Date Filed	#	Docket Text
05/19/2016	<u>1</u>	COMPLAINT against AGRICULTURAL MARKETING SERVICE (Filing fee \$ 400 receipt number 0090-4534981) filed by CORNUCOPIA INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Sorenson, C.) (Entered: 05/19/2016)
05/19/2016		Case Assigned to Judge Amy Berman Jackson. (dr) (Entered: 05/19/2016)
05/19/2016	<u>2</u>	SUMMONS (3) Issued Electronically as to AGRICULTURAL MARKETING SERVICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(dr) (Entered: 05/19/2016)
06/02/2016	<u>3</u>	NOTICE of Appearance by Daniel J. Stotter on behalf of CORNUCOPIA INSTITUTE (Stotter, Daniel) (Entered: 06/02/2016)

06/09/2016	<u>4</u>	NOTICE of Appearance by Patricia K. McBride on behalf of AGRICULTURAL MARKETING SERVICE (McBride, Patricia) (Entered: 06/09/2016)
06/24/2016	<u>5</u>	Unopposed MOTION for Extension of Time to <i>August 22, 2016</i> by AGRICULTURAL MARKETING SERVICE (McBride, Patricia) (Entered: 06/24/2016)
06/27/2016		MINUTE ORDER granting defendant's <u>5</u> unopposed motion for an extension of time to answer. Defendant shall answer or otherwise respond to the complaint by August 22, 2016. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/27/2016. (lcabj3) (Entered: 06/27/2016)
08/19/2016	<u>6</u>	ANSWER to Complaint by AGRICULTURAL MARKETING SERVICE.(McBride, Patricia) (Entered: 08/19/2016)
08/22/2016	<u>7</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before September 19, 2016. Signed by Judge Amy Berman Jackson on 8/22/2016. (lcabj3) (Entered: 08/22/2016)
09/07/2016	<u>8</u>	MOTION for Briefing Schedule by CORNUCOPIA INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order)(Sorenson, C.) (Entered: 09/07/2016)
09/07/2016		MINUTE ORDER granting the parties' <u>8</u> consent motion for a briefing schedule. Defendant's motion for summary judgment shall be filed by November 7, 2016. Plaintiff's opposition, combined with any cross-motion and supported by a single memorandum of points and authorities, shall be filed by December 19, 2016. Defendant's reply, combined with its opposition, and supported by a single memorandum of points and authorities, shall be filed by January 19, 2017. Plaintiff's cross-reply shall be filed by February 10, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/7/2016. (lcabj3) (Entered: 09/07/2016)
11/03/2016	<u>9</u>	Unopposed MOTION for Extension of Time to File <i>MSJ</i> by AGRICULTURAL MARKETING SERVICE (McBride, Patricia) (Entered: 11/03/2016)
11/04/2016		MINUTE ORDER granting defendant's <u>9</u> unopposed motion for an extension of time. Defendant's motion for summary judgment shall be filed by December 19, 2016. Plaintiff's opposition, combined with any cross-motion and supported by a single memorandum of points and authorities, shall be filed by January 12, 2017. Defendant's reply in support of its motion, combined with any cross-opposition and supported by a single memorandum, shall be filed by February 9, 2017. And plaintiff's cross-reply, if necessary, shall be filed by March 9, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/4/2016. (lcabj3) (Entered: 11/04/2016)
12/19/2016	<u>10</u>	MOTION for Summary Judgment by AGRICULTURAL MARKETING SERVICE (Attachments: # <u>1</u> Declaration Bridges Decl, # <u>2</u> Exhibit Redland Dairy, # <u>3</u> Declaration Vaughn Index, # <u>4</u> Declaration Michaels Decl)(McBride, Patricia) (Entered: 12/19/2016)
01/04/2017	<u>11</u>	Consent MOTION for Extension of Time to File Response/Reply <i>and to Modify Briefing Schedule</i> by CORNUCOPIA INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 01/04/2017)
01/05/2017		MINUTE ORDER granting <u>11</u> plaintiff's consent motion for an extension of time. Plaintiff's opposition to the motion for summary judgment, combined with any cross-motion, shall be filed by January 26, 2017. Defendant's reply in support of its motion, combined with any cross-opposition, shall be filed by February 23, 2017. And plaintiff's cross-reply, if necessary, shall be due by March 23, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/5/2017.(lcabj3) (Entered: 01/05/2017)
01/19/2017	<u>12</u>	Consent MOTION for Extension of Time to File Response/Reply <i>and Modify Briefing Schedule</i> by CORNUCOPIA INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 01/19/2017)
01/20/2017		MINUTE ORDER granting plaintiff's <u>12</u> unopposed motion for an extension of time. Plaintiff's opposition to the motion for summary judgment, combined with any

		cross-motion, shall be filed by February 13, 2017. Defendant's reply in support of its motion, combined with any opposition to plaintiff's cross-motion, shall be filed by March 14, 2017. Plaintiff's cross-reply, if necessary, shall be filed by April 10, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/20/2017. (lcabj3) (Entered: 01/20/2017)
02/11/2017	<u>13</u>	Consent MOTION to Stay by CORNUCOPIA INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 02/11/2017)
02/13/2017		MINUTE ORDER granting <u>13</u> Motion to Stay. This case is hereby STAYED until April 14, 2017. The parties are ORDERED to file a joint status report informing the Court as to the status of this action by April 14, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 2/13/2017. (lcabj2) (Entered: 02/13/2017)
04/11/2017	<u>14</u>	MEET AND CONFER STATEMENT. (McBride, Patricia) (Entered: 04/11/2017)
04/12/2017		MINUTE ORDER. The parties shall file a further joint status report by June 15, 2017. This matter remains STAYED pending further order of the Court. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/12/2017. (lcabj3) (Entered: 04/12/2017)
06/15/2017	<u>15</u>	PROPOSED BRIEFING SCHEDULE by AGRICULTURAL MARKETING SERVICE. (McBride, Patricia) (Entered: 06/15/2017)
06/15/2017		MINUTE ORDER. Defendant's motion for summary judgment shall be filed by September 12, 2017. Plaintiff's opposition, combined with any cross motion and supported by a single memorandum of points and authorities, shall be filed by October 16, 2017. Defendant's reply, combined with any cross-opposition and supported by a single memorandum of points and authorities, shall be filed by November 17, 2017. And plaintiff's cross-reply, if necessary, shall be filed by December 18, 2017. This matter is no longer stayed. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/15/2017. (lcabj3) (Entered: 06/15/2017)
06/15/2017		MINUTE ORDER. In light of the new briefing schedule and the narrowing of the issues in this case, defendant's <u>10</u> motion for summary judgment is denied without prejudice as moot. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/15/2017. (lcabj3) (Entered: 06/15/2017)
09/11/2017	<u>16</u>	WITHDRAWN PURSUANT TO NOTICE FILED 09/12/17.....MOTION for Summary Judgment by AGRICULTURAL MARKETING SERVICE (Attachments: # <u>1</u> Declaration Bridges Declaration, # <u>2</u> Exhibit Redland Exhibits)(McBride, Patricia) Modified on 9/13/2017 (jth). (Entered: 09/11/2017)
09/12/2017	<u>17</u>	NOTICE OF WITHDRAWAL OF MOTION by AGRICULTURAL MARKETING SERVICE re <u>16</u> MOTION for Summary Judgment (McBride, Patricia) (Entered: 09/12/2017)
09/12/2017		MINUTE ORDER. In light of the <u>17</u> notice, defendant shall file its revised motion for summary judgment by September 12, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/12/2017. (lcabj3) (Entered: 09/12/2017)
09/12/2017	<u>18</u>	MOTION for Summary Judgment by AGRICULTURAL MARKETING SERVICE (Attachments: # <u>1</u> Supplement Vaughn Index, # <u>2</u> Declaration Michael Declaration, # <u>3</u> Declaration Bridges Declaration, # <u>4</u> Exhibit Exhibits to Bridges Decl)(McBride, Patricia) (Entered: 09/12/2017)
10/16/2017	<u>19</u>	Cross MOTION for Summary Judgment & <i>Memorandum of Points & Authorities</i> by CORNUCOPIA INSTITUTE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Daniel Stotter & Exhibits A – D, # <u>3</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 10/16/2017)
10/16/2017	<u>20</u>	RESPONSE re <u>18</u> MOTION for Summary Judgment filed by CORNUCOPIA INSTITUTE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Daniel Stotter & Exhibits A – D, # <u>3</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 10/16/2017)
11/14/2017	<u>21</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Reply and Opposition to Plaintiff's Cross Motion For Summary Judgement, Filed</i> by AGRICULTURAL MARKETING SERVICE (McBride, Patricia) (Entered: 11/14/2017)

11/15/2017		MINUTE ORDER granting defendant's <u>21</u> unopposed motion for an extension of time. Defendant shall file its combined reply and opposition to plaintiff's cross motion for summary judgment by December 19, 2017. Plaintiff's cross-reply will be due January 19, 2018. Signed by Judge Amy Berman Jackson on 11/15/2017. (lcabj3) (Entered: 11/15/2017)
12/13/2017	<u>22</u>	Consent MOTION for Extension of Time to <i>Provide Additional Documents to Plaintiff and Propose an Updated Briefing Schedule</i> by AGRICULTURAL MARKETING SERVICE (McBride, Patricia) (Entered: 12/13/2017)
12/14/2017		MINUTE ORDER granting <u>22</u> defendant's consent motion for an extension of time. The parties shall file a joint status report on January 31, 2018, with an adjusted briefing schedule. Signed by Judge Amy Berman Jackson on 12/14/2017. (lcabj3) (Entered: 12/14/2017)
01/31/2018	<u>23</u>	Joint STATUS REPORT by AGRICULTURAL MARKETING SERVICE. (McBride, Patricia) (Entered: 01/31/2018)
02/02/2018		MINUTE ORDER. The Court will update the briefing schedule as follows: defendant must file its opposition and reply by March 30, 2018; plaintiff must file its reply by April 30, 2018. Signed by Judge Amy Berman Jackson on 02/02/2018. (lcabj3) (Entered: 02/02/2018)
03/30/2018	<u>24</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Reply in Support for Motion Summary Judgment</i> by AGRICULTURAL MARKETING SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 03/30/2018)
04/03/2018		MINUTE ORDER granting defendant's <u>24</u> unopposed motion for an extension of time. Defendant shall file its combined reply and opposition to plaintiff's cross motion for summary judgment by April 20, 2018. Plaintiff's cross-reply will be due May 25, 2018. (lcabj3) (Entered: 04/03/2018)
04/13/2018	<u>25</u>	Joint MOTION for Extension of Time by AGRICULTURAL MARKETING SERVICE (McBride, Patricia) Modified on 4/16/2018 to correct docket event/text (jf). (Entered: 04/13/2018)
04/16/2018		MINUTE ORDER granting <u>25</u> Motion to Stay. The case is stayed until June 20, 2018, at which point the parties must file a joint status report. Signed by Judge Amy Berman Jackson on 04/16/2018. (lcabj3) (Entered: 04/16/2018)
06/18/2018	<u>26</u>	JOINT STATUS REPORT. (McBride, Patricia) Modified on 6/19/2018 to correct docket event/text (jf). (Entered: 06/18/2018)
06/19/2018		NOTICE OF ERROR re <u>26</u> Meet and Confer Statement; emailed to patricia.mcbride@usdoj.gov, cc'd 9 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. PLEASE DO NOT REFILE--use the search feature on the blue bar to locate an event (zjf,) (Entered: 06/19/2018)
06/19/2018		MINUTE ORDER. The parties must submit another joint status report by July 26, 2018. Signed by Judge Amy Berman Jackson on 06/19/2018. (lcabj3) (Entered: 06/19/2018)
07/25/2018	<u>27</u>	JOINT STATUS REPORT. (McBride, Patricia) Modified on 7/27/2018 to correct docket event/text (jf). (Entered: 07/25/2018)
08/13/2018		MINUTE ORDER. The parties must file an updated status report by September 26, 2018 to either inform the Court of the resolution of attorney's fees and costs or to propose a briefing schedule. In light of the parties' representations that all the substantive issues have been resolved, the parties must also address in their next status report whether the Court should deny as moot the pending motions for summary judgment. See Dkt. # 18; Dkt. # 19. Signed by Judge Amy Berman Jackson on 08/13/2018. (lcabj3) (Entered: 08/13/2018)
09/20/2018	<u>28</u>	JOINT STATUS REPORT. (McBride, Patricia) Modified on 9/20/2018 to correct docket event/text (jf). (Entered: 09/20/2018)
09/21/2018		MINUTE ORDER. The stay in this case is hereby lifted. In light of the parties joint status report <u>28</u> , the Court will deny the pending motions for summary judgment as moot. The parties must submit an updated joint status report by October 26, 2018.

		Signed by Judge Amy Berman Jackson on 09/21/2018. (lcabj3) (Entered: 09/21/2018)
10/25/2018	<u>29</u>	Joint STATUS REPORT by AGRICULTURAL MARKETING SERVICE. (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 10/25/2018)
10/26/2018		MINUTE ORDER. In light of the parties' joint status report <u>29</u> , the Court adopts the following briefing schedule: plaintiff must file its fee motion by January 30, 2019; defendant must file its opposition by February 28, 2019; and plaintiff must file its reply by March 22, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/26/2018. (lcabj3) (Entered: 10/26/2018)
01/30/2019	<u>30</u>	MOTION for Attorney Fees by CORNUCOPIA INSTITUTE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Daniel Stotter and Exhibits A – G, # <u>3</u> Declaration of Will Fantle, # <u>4</u> Declaration of Peteof Peter Sorenson and Exhibits A – B, # <u>5</u> Declaration of Sean Malone and Exhibit A, # <u>6</u> Text of Proposed Order)(Stotter, Daniel) (Entered: 01/30/2019)
02/26/2019	<u>31</u>	Unopposed MOTION for Extension of Time to by AGRICULTURAL MARKETING SERVICE (McBride, Patricia) (Entered: 02/26/2019)
02/26/2019		MINUTE ORDER granting <u>31</u> Motion for Extension of Time. Defendant's opposition to plaintiff's motion for attorneys' fees must be filed by March 28, 2019. Plaintiff's reply is now due April 19, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/26/2019. (lcabj3) (Entered: 02/26/2019)